IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9559 OF 2003

Nashik Workers Union ..Petitioner

Vs.

M/s.Saw Pipes Ltd. & Ors. ..Respondents

Ms.Darpna Nagarkar i/b Bhavesh Parmar for the petitioner

Mr.P.N.Shah for the respondents

CORAM : A.P.DESHPANDE, J

DATED : 20TH NOVEMBER, 2006

P.C.:

1. The petitioner is the original plaintiff who has instituted a suit for possession of the suit property. It is the case of the petitioner that after filing of the suit and during pendency of the suit, the property has been sold by the defendant / original owners to third person and, hence, the plaintiff moved an application for impleading him as party defendant. The trial court has rejected the said application mainly by observing that if the transaction is hit by the

doctrine of lis pendens covered by section 52 of the Transfer of Property Act then it is not necessary to implead the purchaser and he would be bound by the decree that would be passed. Taking this view of the matter, the court below has rejected the application.

2. The suit is of the year 1993. When the trial court has taken a view that it is not necessary to implead the purchaser as party defendant and as the said view cannot be faulted as illegal, no interference in exercise of Jurisdiction under Article 227 of the Constitution of India is called for. In the result, writ petition is summarily rejected.

(SHRI A.P.DESHPANDE, J)